



Planning Act 2008 – section 88

Application by Frodsham Solar Ltd (the applicant) for an order granting development consent for Frodsham Solar (EN010153)

Initial Assessment of Principal Issues

16 September 2025

This is the initial assessment of principal issues prepared as required under section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of the application documents, the relevant representations and other submissions received to date, and following its consideration of any other important and relevant matters.

This initial assessment has guided the ExA in forming a provisional view as to how the application is to be examined. It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the examination and when it writes its recommendation to the Secretary of State after the examination has concluded.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the examination and are therefore not listed as principal issues. It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as principal issues, the ExA will conduct all aspects of the examination with these in mind.

The order of the issues does not imply any order of prioritisation or importance.

Links are provided to some documents for convenience. These documents may be updated periodically, in which case the links may not always be to the most up to date version. Parties should ensure that they refer to the most up to date version.

The requirements associated with the PA2008 are an integral part of the examination and are not listed. The ExA will conduct the examination with the effects of the proposal in relation to human rights and equalities duties in mind.

1. **General matters** – to include:

- a. Whether all relevant legislation and policy has been complied with and the regard given to guidance and advice.
- b. Matters to be given regard to in deciding the application, with reference to s104 of the PA2008.
- c. Consideration of any changes to legislation, policy, or guidance since the application was made.
- d. Matters arising in any local impact reports and relevant local policy.
- e. The implications of any relevant planning decisions or case law.
- f. Whether observations made in the [post-acceptance s51 advice](#) and in the ExA's s89(3) procedural decisions have been addressed adequately.

2. The draft Development Order (dDCO) and other consents – to include:

- a. The regard given to guidance and advice notes, including [Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects](#) and [Advice Note 15: drafting Development Consent Orders](#).
- b. The identification of other consents, obligations, or agreements required before the proposed development can become operational, progress in obtaining them, and comfort/ impediments and timescales for them being granted.

3. Planning matters – to include:

- a. Whether the assessment methodology including scoping, is consistent with the [Infrastructure Planning \(Environmental Impact Assessment\) Regulations 2017](#). Whether it reflects best practice, has been applied consistently, and is evidenced and reasoned. The use of professional judgement and assumptions.
- b. The flexibility sought for the detailed design, construction, and operational phases. Whether the extent of flexibility adopted in the Rochdale Envelope is reasonable and consistent. Whether a reasonable worst-case scenario has been assessed. The regard given to [Advice Note 9: Rochdale Envelope](#) and [Advice Note 17: Cumulative effects assessment relevant to nationally significant infrastructure projects](#).
- c. Whether other projects have been appropriately identified for the cumulative impact assessment. Coordination with Liverpool Bay CCS Limited's proposed Runcorn Carbon Dioxide Spur Pipeline and with Cadent Gas Limited's proposed HyNet North West Hydrogen Pipeline.
- d. The adequacy of the assessment and mitigation for each environmental topic. Consideration of scope, methodology, study area, receptors, and their sensitivity. Baseline conditions and how they were identified.
- e. The magnitude and duration of construction, operational and decommissioning phase adverse and beneficial effects, mitigation, residual effects after mitigation and their significance. The control of preliminary works. The consideration given to any potential for large scale replacement of the solar panels, other works during the operational phase and the wider effects resulting from the consequent human disturbance.
- f. Opportunities for environmental net gain, environmental enhancements and any long-term or wider benefits.
- g. The effectiveness of the measures to mitigate adverse effects and deliver benefits. The need for and adequacy of outline management plans and whether they are sufficiently precise and firm. Whether the measures are likely to result in the residual impacts identified in the Environmental Statement. Whether the delivery and maintenance of the measures is adequately secured.
- h. The consideration given to topics including:
 - Accidents, disasters, fire risk, human health and wellbeing, safety, and security.
 - Aviation and defence.
 - Biodiversity, habitats, and species. The regard given to [Advice Note 10: Habitats Regulations Assessment relevant to nationally significant infrastructure projects](#). The consideration given to statutory and non-statutory designated sites. Protected species scoping for detailed assessment and the adequacy of the surveys undertaken to date. The mitigation measures including the Non-Breeding Birds Mitigation Area and the Skylark Mitigation Area.

- Climate change. Greenhouse gas emissions from the lifecycle of the solar panels and other equipment, and their replacement during the operational phase. Downstream greenhouse gas emissions from the use of electricity. The offset electricity comparator. Benchmarking against other solar energy developments.
- Decommissioning and reinstatement. The sufficiency of a simple comparison with the construction phase in the assessment, whether sufficient specific mitigation is identified and secured, and what should go into the planning balance. The timing of decommissioning and reinstatement if the proposed development, or any part of it, ceases to be operational earlier than 40 years following the date of the final commissioning of Work No. 1. Funding for decommissioning and reinstatement and whether it needs to be secured.
- Good design and compliance with the relevant NPS policies and guidance.
- Green Belt. Consideration of grey belt, inappropriate development, harm, openness, planning balance, very special circumstances, and critical national priority.
- Ground conditions, soils, agriculture, ground contamination, mineral resources, and geological conservation. The consideration given to existing land contamination and the wider effects resulting from dealing with contamination.
- Historic environment, including the consideration given to archaeology on the site, the potential for disturbance to peat deposits, and to the setting of heritage assets. The potential for harm to non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments
- Landscape and visual. The height of solar panels in the photo montages and whether the latest layout is modelled. The assessment of visual effects at the Frodsham War Memorial. Whether a residential visual amenity assessment is required. The consideration given to National Character Areas. Low reflective material for the solar panels. Mitigating the impacts of security fencing, lighting, and cameras. Hedges. The consideration given to landscape management guidelines in the design and in the mitigation measures.
- Need case, site selection, alternatives, technology, generation capacity, and grid connection. The level of overplanting. The security of the grid connection. Grid reform. Whether a connection agreement is required for the full generation capacity.
- Noise, vibration, air quality, dust, and nuisance.
- Socio-economics, tourism, recreation, land use, human equality issues, and public rights of way.
- Traffic, transport, and access. The effects on traffic using the River Weaver.
- Traveller sites.
- Waste disposal and management. The application of the waste hierarchy. The availability and capacity of suitable waste facilities.
- Water environment and water contamination, including the regard given to [Advice Note 18: The Water Framework Directive](#). Matters relevant to the Marine Management Organisation. Changes to land drainage. The flood risk assessment, heights at which panels should be mounted, potential loss of flood plain storage, sequential and acceptance tests, permits. Wider effects resulting from the proposed reconfiguration of the ponds and ditches.
- Other planning matters.

4. **Land rights and related matters** – to include:

- a. The regard given to guidance, including:
 - [Planning Act 2008: guidance related to procedures for the compulsory acquisition of land](#)
 - [Planning Act 2008: associated development applications for major infrastructure projects](#)
- b. Accuracy of the Book of Reference, Statements of Reasons and Land Plans.
- c. The demonstration of ongoing diligent enquiry to identify any unknown rights and updates during the examination.
- d. Whether the land rights powers sought including compulsory acquisition, temporary possession, restrictive covenants, and any other powers in relation to the creation, suspension, or extinguishment of, or interference with, interests in or rights over land are necessary to facilitate or are incidental to the proposed development. The powers requested in relation to the proposed private wire connection.
- e. The Statement of Reasons and whether the powers sought are required for the development to which the order relates, whether they are legitimate, necessary, and proportionate and whether it is clear how the applicant intends to use the land.
- f. Whether there is a compelling case in the public interest for the powers sought that justifies interference with the human rights of those affected.
- g. The temporary possession powers sought are needed to enable the construction, operation, or decommissioning of the proposed development; the total period for which the land may be subject to temporary possession; and whether the powers sought are compatible with human rights tests.
- h. Minimisation of the need for acquisition of land and rights, consideration of acquisition by agreement and the exercise of any existing land option agreements.
- i. Whether all reasonable alternatives to compulsory acquisition have been explored.
- j. Potential impediments to development.
- k. The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the dDCO, any necessary side agreements, and compliance with s127 and s136 of the PA2008.
- l. The adequacy of the protective provisions set out in the dDCO and the need for any other protective provisions to safeguard relevant interests.
- m. Any objections, the applicant's responses, and related evidence; updates on negotiations, voluntary agreements, and blight during the examination.
- n. Whether there are suitable provisions in the dDCO for compensation.
- o. The adequacy and security of project funding and guarantees for compensation. Whether adequate funding would be available to enable the applicant to carry out the compulsory acquisition within the statutory period. The robustness of costings set out in the Funding Statement.